

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

ANGEL D. MORALES VALLELLANES  
Plaintiffs,

v.

JOHN E. POTTER, et. al.  
Defendants

CIVIL NO. 97-2459 (JAG/GAG)

**MOTION IN COMPLIANCE**

TO THE HONORABLE COURT:

COME NOW the defendants and through the undersigned attorneys to respectfully Oppose to Plaintiff's Motion Requesting to Set Aside Order (Docket Entry No. 326 as follows:

1. On November 2, 2006, Plaintiff filed a Motion requesting Order (Docket Entry No. 324).
2. Defendant filed his Opposition to Plaintiff's Motion (Docket Entry No. 325). This Honorable Court entered Order denying Plaintiff's request (Docket Entry No. 326).
3. Plaintiff's filed a Motion requesting to Set Aside Order alleging that Defendant failed to timely submit his expert report by the deadline established by this Honorable Court. (Docket Entry No. 327), and this Honorable Court granted Defendant until November 6, 2006 to provide its expert report to Plaintiffs. (Docket Entry No. 328) and ordered its compliance.

4. Defendant re-alleges that Dr. Ramón Fortuño forwarded his final report yesterday, November 1<sup>st</sup>, 2006 and was forwarded to Plaintiff, via regular mail.
5. As to plaintiff's allegations that the Report was dated October 14, 2006 and that the same is one (Preliminary), we contacted Dr. Fortuño's office to inquire regarding this matter, and Dr. Fortuño informed the undersigned that this was a typographical error, since he was working expeditiously to comply with this Honorable Court's Order related at Docket Entry No. 313). **That the report submitted to Plaintiff was a Final Psychiatric Report pertaining Plaintiff Angel D. Morales Vallellanes. (See Dr. Fortuno's Declaration, Attachment 1).**
6. AUSA Sevillano who is currently the Assistant United States Attorney assigned to this case is currently out of the jurisdiction.
7. On November 3<sup>rd</sup>, 2006, Defendant has faxed once again, the Final Psychiatric Report prepared by Dr. Ramón O. Fortuño to plaintiff's counsel Miguel E. Miranda, Esq., (787-751-0883). **(Attachment 2).** Additionally, plaintiff's counsel was notified via electronic mail, [mirandalawfirm@aol.com](mailto:mirandalawfirm@aol.com) **(Attachment 3)**, and a the report was hand delivered by Neim Delivery Services to his office located at #22 Mayaguez Street, San Juan, Puerto Rico. **(Attachment 4 & 5).**

8. Finally, Defendant has mail first class Return Receipt Requested

(Article No. 7002-2030-0003-1485-0973) (**Attachment 6**).

WHEREFORE, the defendants respectfully request from this Honorable Court that it takes notice of the Compliance with the Court's Order related at Docket Entry No. 328 as herein set forth.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing document was filed with the Clerk of the Court using CM/ECF system, which will submit notification of such filing to: Miguel Miranda, Esq.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico this 4<sup>th</sup> day of November 2006.

**ROSA EMILIA RODRIGUEZ VELEZ**  
United States Attorney

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